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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/441,081	11/16/1999	TSUNEO SATO	1614.1010	3833
21171	7590	02/08/2005	EXAMINER	
STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			HO, THOMAS M	
			ART UNIT	PAPER NUMBER
			2134	

DATE MAILED: 02/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/441,081

Applicant(s)

SATO ET AL.

Examiner

Thomas M Ho

Art Unit

2134

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11/24/04.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 and 24-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-5 and 16 is/are allowed.
- 6) ☒ Claim(s) 6-15, 17, 18 and 24-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

1. Claims 1-18, 24-27 are pending.
2. Claims 1-5, 16 are allowable.

Response to Arguments.

3. Applicant has argued:

Thus, the '097 system does not teach or suggest a system that updates one of the user-specific formulas when the user proves knowledge of the user specific formula "by entering said one of the user-specific formulas" in response to a randomly generated number.

The Examiner maintains that Pegg discloses a system where updating the system entails entering the system through access (in response to a randomly generated number, and proving knowledge of the user specific formula) by selecting a new algorithm, where the selection itself of the new user-specific formula may be considered "entered".

Applicant's other arguments are considered moot in view of the new grounds of rejection.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 6-15, 24-27 rejected under 35 U.S.C. 102(b) as being anticipated by Pegg.

In reference to claim 6:

Pegg discloses a method of checking user identification, comprising:

- Calculating a check value by applying a user-specific formula to at least one randomly generated number, where the check value is the calculated access code, and the randomly generated number is a dynamic variable. (Column 5, lines 3-8)
- Checking if the check value matches a user-entered value that is entered by a user in response to said at least one randomly generated number being presented to the user (Column 5, lines 3-8),
 - wherein the user-specific formula includes one or more elements which, respectively, are either an operand or an operator, and all of said one or more elements are predetermined user-specific information except for the least one randomly generated number, where the predetermined user-specific information is the user's access key. (Column 4, lines 15-27), where the operators are the operations that the algorithm is composed of (eg. Addition). (Column 4, lines 54-68), and the randomly generated number is the dynamic variable.

In reference to claim 7:

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Pegg discloses the method as claimed in claim 6, wherein said calculating of the check value comprises outputting a fixed number, as the check value, if the user-specific formula consists of the fixed number, where the outputted number and check value is the generated access code. (Column 5, lines 3-8), and the fixed number was the access key. (Column 4, lines 15-27),

In reference to claim 8:

Pegg discloses the method as claimed in claim 6, wherein the user-specific formula includes a variable that is an indication of a time at which said calculating of the check value calculates the check value, where the indication of time is the dynamic variable that is an environmental variable. (Column 4, lines 50-65)

In reference to claim 9:

Pegg discloses the method as claimed in claim 6, further comprising:

- Storing user IDs and user-specific formulas associated with respective user IDs in a data storage. (Column 4, line 16-28)
- Selecting one of the user-specific formulas from the data storage in response to a user ID of the user. (Column 4, line 16-28)
- Generating said at least one randomly generated number, where the dynamic variable was generated either by the system or previously by whatever environment pressure it was derived from. (Column 4, lines 50-65)

In reference to claim 10:

Pegg discloses the method as claimed in claim 9, further comprising updating one of the user-specific formulas in the data storage with a user-entered formula only if the user entering the user-entered formula proves a knowledge of said one of the user-specific formulas by entering said one of the user-specific formulas, where the user proves knowledge of the formula by entering in the access code based on the formula, and then updates the user specific formula by entering that user-specific formula as an option. (Column 6, lines 11-26)

Claim 11 is rejected for the same reasons as claim 6.

Claim 12 is rejected for the same reasons as claim 7.

Claim 13 is rejected for the same reasons as claim 8.

Claim 14 is rejected for the same reasons as claim 9.

Claim 15 is rejected for the same reasons as claim 10.

In reference to claim 24:

Pegg discloses a device to check user identification, comprising:

A processing unit to calculate a calculated value by applying a user-specific formula to one random number and to determine whether a user entered value matches the calculated value by presenting the random number to the user, the user specific formula having elements which are, respectively, one of an operand or an operator, and each of the elements being user-specific, where the operands and operators are the individual operations of the algorithm such as that in (Column 4, lines 63-68), and the processing unit matches the values. (Column 5, lines 3-8)

Claims 25 and 26 are rejected for the same reasons as claim 24.

In reference to claim 27:

Pegg discloses a method for verifying user identification data, comprising:

- Generating and displaying an arbitrary number to a user, where the arbitrary value is the dynamic variable, and the “arbitrary” characteristic is the particular arbitrarily chosen environmental variable. (Column 4, lines 50-60)
- Prompting the user to apply a user-specific formula having at least one operand and at least one operator to the arbitrary number. (Column 4, lines 55-68)
- Verifying the user identification data of the user, where the user identification data of the user is verified when a calculated value generated by applying a stored user-specific formula to the arbitrary number matches a value entered by the user in response to the displaying of the arbitrary number. (Column 5, lines 3-8)

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 17 and 18 are rejected under 35 USC § 103 in view of Pegg.

In reference to claim 17:

Pegg fails to specifically disclose an apparatus where when the user enters a wrong user-entered value, the user is allowed to enter a new user-entered value in response to at least one new randomly generated number being presented to the user.

The Examiner takes official notice that re-entering a value after a user wrongfully entered the previous value was well known in the art at the time of invention. Additionally Pegg in item 250, Figure 2a, discloses that the user is denied access. It would have been obvious to allow the user to restart the process at (Figure 2a, Item 200).

It would have been obvious to one of ordinary skill in the art at the time of invention to allow a user to re-entered a new value if the previous value was incorrectly entered, in order to ultimately provide the user access, even when the user mistakenly entered a wrong value.

Claims 18 is rejected for the same reasons as claim 17.

Conclusion

8. Any inquiry concerning this communication from the examiner should be directed to Thomas M Ho whose telephone number is (571)272-3835. The examiner can normally be reached on M-F from 9:30 AM - 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor,

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Gregory A. Morse can be reached on (571)272-3838.


The Examiner may also be reached through email through Thomas.Ho6@uspto.gov

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571)272-2100.

General Information/Receptionist	Telephone: 571-272-2100	Fax: 703-872-9306
Customer Service Representative	Telephone: 571-272-2100	Fax: 703-872-9306

TMH

January 31, 2005


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